

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) No. 59-60 of 2019**

**IN THE MATTER OF:**

**Apurva Natvar Parikh & Company Pvt. Ltd. & Ors. ...Appellants**

**Vs**

**Sujan Azad Parikh & Anr. ....Respondents**

**Present:**

**For Appellant: Mr. Pranaya Goyal and Mr. Dharav Shah,  
Advocates.**

**For Respondents: Mr. Jay Salva, Mr. Parag Kabadi and Ms. Flaguni  
Thakkar, Advocates.**

**ORDER**

**16.04.2019:** The respondent filed Interlocutory Application in a matter which was disposed of by erstwhile Company Law Board on 30<sup>th</sup> March, 2006. In the said case, MA 105/2019 was also filed seeking injunction order against the Appellant from selling, transferring, encumbering, alienating, dealing with or creating any third party right, title or interest in any manner whatsoever. The Adjudicating Authority by impugned order dated 21<sup>st</sup> January, 2019 adjourned the case and directed the parties to maintain status-quo till the next date of hearing.

2. Learned counsel appearing on behalf of the Appellant submitted that the Interlocutory Application after disposal of the company petition under Section 397-398 r/w 402 of the Companies Act is not maintainable. He further submits that the matter has again been adjourned by the Tribunal on 8<sup>th</sup> February, 2019.

3. Learned counsel appearing on behalf of the contesting Respondent submits that the Interlocutory Application is for execution of the original order dated 30<sup>th</sup> March, 2006 passed by the erstwhile Company Law Board. Further according to him, the matter was adjourned on the request of learned counsel for the Appellant (Respondent before the Tribunal).

4. Having heard learned counsel for the parties we are not inclined to interfere with the impugned order dated 21<sup>st</sup> January, 2019, as we find that the matter is pending consideration before the Tribunal. The parties are at liberty to raise all the questions before the Tribunal including both the questions of maintainability and execution as prayed for by the parties. Parties will not ask for unnecessary adjournments. The appeal stands disposed of with aforesaid observation. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice A. I. S. Cheema]  
Member (Judicial)

(Kanthi Narahari)  
Member (Technical)

*am/gc*